

# NEBRASKA STATE ELECTRICAL BOARD RULES

## RULE NUMBER 1

### Special Electrical Licenses

The special electrician licenses limited to fire alarm or security systems do not qualify the license holder to install the branch circuit supply conductors to the system.

## RULE NUMBER 2

### Board Meetings

The members of the State Electrical Board shall convene a minimum of six times annually. The Board may convene at other such times and at such locations as it may deem necessary for proper and efficient conduct of its duties. State Electrical Board meetings shall be conducted in accordance with Sections 84-1408 through 84-1414 public meeting.

## RULE NUMBER 3

### Promulgation, Amendment, or Repeal of Rules

1. Any interested person may petition the Board requesting the promulgation, amendment or repeal of any rule.
2. Such a petition shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter); shall state the precise wording of the proposed rule or amendment, or the present rule to be appealed, plus, in ordinary and concise language, without repetition, the reasons for such promulgation, amendment, or repeal; shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his attorney, in which case the attorney shall also state his address; and shall request a hearing if one is desired.
3. Each petition for the promulgation, amendment, or repeal of rules must be accompanied by the original and five copies which shall be filed with the Board at its place of official business.
4. The Board, at its discretion, shall determine whether a formal hearing on such petition would assist it. If it so determines, it will set the matter for hearing and give notice to the petitioner and such other parties as it deems necessary by mail. The Board may, at its discretion, notify the petitioner by mail that such petition will be considered as submitted to the board and no hearing will be held. The Board will notify by mail the petitioner of the hearing disposition. At the time and place set for the hearing, if any, the Board shall then and there afford the petitioner and any intervenor a reasonable time to discuss the petition.

## **RULE NUMBER 4**

### **License Revocation Hearings**

#### **1. Definitions:**

- (1) The term "Board" shall mean the State Electrical Board.

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- (2) The term "License Revocation Hearing" shall mean a case resulting from a charge filed under Section 81-2104 (6) and shall include any case resulting by order of the Board on its own motion to show cause why disciplinary action under such section should not be invoked.

#### **2. Setting of hearings:**

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 30 days prior to the time of the hearing. Such notice shall include all issues and charges.

#### **3. Pleading:**

Any complaint, responsive or rebuttal pleading shall be headed "Before the Nebraska State Electrical Board", and shall contain a heading specifying the nature of the pleading, the name and address of the person accused or subject to investigation. Any responsive pleading shall be filed within thirty calendar days from date of service of the complaint or order to show cause; provided that failure to file such a responsive pleading will be considered as a general denial. All pleadings shall be filed with the Board at its official office. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by registered United States mail, return receipt requested, together with a notice of the time and place of the hearing 30 days prior to the date of the hearing. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage pre-paid, of a copy thereof to all interested parties.

#### **4. Continuances:**

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

#### **5. Consolidation:**

The Board may order two or more proceedings which are legally or factually related to be heard and considered together.

#### **6. Conduct of Hearings:**

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board present. Where the case involves a charge filed by a complainant other than the Board, the complainant shall first put on his or her evidence and then the respondent may put on his or her evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

7. Appearances:

Any individual may appear on his own behalf before the Board. An individual may appear on behalf of another in any proceedings before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any state.

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8. Briefs:

Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed and the number of copies to be filed shall be fixed by the Board.

9. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

10. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time as it shall fix.

11. Evidence and Witnesses:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in district court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence. Any witness who appears under subpoena of the Board is entitled to the same fee as is paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party

must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside the corporate limits of the place of the hearing, a fee for travel expense equal to the amount set per mile by the Nebraska Department of Administrative Services for mileage reimbursement.

12. Disposition:

The Board will notify by mail each of the parties to a contested case of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

**RULE NUMBER 5**

**Engineer Exemption**

Registered Professional Electrical Engineers when planning electrical installations for architects or consulting engineers, shall not be required to be a State electrical license holder.

**RULE NUMBER 6**

**Appeals**

1. Definitions:

- (1) The term "Board" shall mean the State Electrical Board.

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- (2) The term "appeal" shall mean an appeal resulting from the issuance of a condemnation or disconnection order issued under Section 81-2136, 81-2137, 81-2139.

2. Institution of appeal:

- (1) 81-2141 (1) Any person aggrieved by a condemnation or disconnection order issued may appeal from the order by filing a written notice of appeal with the Board within ten days after the date the order was served upon the owner or within ten days after the order was filed with the Board, whichever is later.
- (2) Such an appeal shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter); shall state the name and location of the project and inspection number, plus, in ordinary and concise language, without repetition, the reasons for such appeal, shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his or her attorney, in which case the attorney shall also state his or her address. Each appeal must be accompanied by the original and five copies which shall be filed with the

Board at its place of official business.

3. Stay of order:

- (1) 81-2142 (2) Upon receipt of the notice of appeal from a condemnation or disconnection order because the electrical installation is dangerous to health and property, the order appealed from shall not be stayed unless countermanded by the Board.
- (2) 81-2141 (3) Upon receipt of notice of appeal from condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for safety to health and property, the order appealed from shall be stayed until final decision of the Board and the Board shall notify the property owner and the licensee making the installation. The power supplier shall also be notified in those instances in which the order has been served.

4. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 14 days prior to the time of the hearing. Such notice shall include all issues and proposed evidence.

5. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

6. Consolidation:

The Board may order two or more proceedings which are legally or factually related to be heard and considered together.

7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by at least a majority of the Board. The State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

8. Appearances:

Any individual may appear on his or her behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

9. Briefs:

Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed and the number of copies to be filed shall be fixed by the Board.

10. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

11. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time as it shall fix.

12. Evidence and Witnesses:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence. Any witness who appears under subpoena of the Board is entitled to the same fee as is paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside of the corporate limits of the place of the hearing, a fee for travel expense equal to the amount set per mile by the Nebraska Department of Administrative Services for mileage reimbursement. Said fees shall be paid the witness following his or her appearance in compliance with the subpoena, unless otherwise directed by the Board for good cause shown.

13. Disposition:

The Board will notify by mail each of the parties to an appeal of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

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## **RULE NUMBER 7**

### **Liability Insurance**

Electrical Contractor, Class A Electrical Contractor, Class B Electrical Contractor, Class A Master, and Class B Master license holders actively engaged in the ownership and operation of an electrical contracting firm shall maintain in force minimum liability insurance in the amount of \$100,000 for each person, \$300,000 each accident and \$100,000 property damage.

Except that when more than one Electrical Contractor, Class A Electrical Contractor, Class B Electrical Contractor, Class A Master, or Class B Master license holder is engaged in the ownership and operation of an electrical contracting firm, only one license holder shall be required to maintain liability insurance in force.

## **RULE NUMBER 8**

### **Journeyman Applicant Qualifications**

The Board shall grant the allowance of one year's experience credit for successful completion of a two year post high school electrical course which is acceptable to the State Electrical Board. A minimum of seven hundred contact hours shall be the equivalent of one year of instruction.

### **Electrical Contractor Applicant Qualifications**

An applicant for an electrical contractor license examination shall:

1. Be a graduate of a four-year electrical engineering course in an accredited college or university and have at least one year experience, acceptable to the board, as a journeyman electrician; or
2. Have at least one year experience, acceptable to the board, as a licensed journeyman electrician; or
3. Have at least five years experience, acceptable to the board, in planning for, laying out, supervising, and installing wiring, apparatus, or equipment for electrical light, heat, and power.

## **RULE NUMBER 9**

### **Special Electrician Licenses Types**

Special Electrician licenses issued by the Board prior to September 9, 1993, shall empower the license holder to engage in the following limited classes of electrical work:

Limited to Fire Alarm Systems

Limited to Security Systems

Limited to Air Conditioning and Refrigeration Systems

Limited to Irrigation Systems

Limited to extending the electrical circuit from a junction point located outside of buildings, to on-premises type electrical signs outside of buildings only.

## **RULE NUMBER 10**

### **License Examinations**

1. State electrical examinations shall consist of a minimum of 50 questions. The examinations shall consist of National Electrical Code, Basic Electricity, Nebraska State Electrical Act, Blueprint Reading, Emergency Circuits and Fire Alarm Circuits. The minimum grade considered as passing shall be 75 percent. The fee for reexamination will be the same as the original fee.

(21) All applicants may use a slide rule or a numerical non-programmable calculator throughout the examination. Applicants shall be allowed a maximum of three hours to complete the examination.

2. Applicants shall be notified of examination grades within a reasonable period of time.
3. Applicants shall be permitted to review failed examinations within 10 days following the examination date. Such review shall be conducted in the presence of the Executive Director, Chief State Electrical Inspector or State Electrical Inspector conducting the exam.
4. Failure of approved applicants to appear at three consecutive examinations will result in forfeiture of the applicants examination fee.

## **RULE NUMBER 11**

### **Contested Cases - General Appeals**

1. Definitions:
  - (1) The term "Board" shall mean the State Electrical Board.
  - (2) The term "Contested Cases - General Appeals" shall mean an appeal resulting from application of the State Electrical Act, excluding Sections 81-2141 and 81-2142.
2. Institution of Appeal:
  - (1) Any person aggrieved by application of the State Electrical Act, Sections 81-2101 to 81-2140 and 81-2143, may appeal therefrom by filing a written notice of appeal with the Board within thirty days after the date of initial notification, by the State Electrical Division, of the disposition of the case causing grievance.



- (2) Such an appeal shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and subject matter); shall state in ordinary and concise language, without repetition, the reasons for such appeal; shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his or her attorney, in which case the attorney shall also state his or her address. Each appeal must be accompanied by the original and five copies which shall be filed with the Board at its place of official business.

3. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by the United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 14 days prior to the time of the hearing. Such notice shall include all issues and proposed evidence.

4. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

5. Appearances:

Any individual may appear on his own behalf before the Board. An individual may appear on behalf of another in any proceedings before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

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6. Oral Argument:

Oral Argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board members present. The Board shall rule on motions and objections, and may interrogate any witnesses.

8. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the cost of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be

incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned at the discretion of the Board for such period of time as it shall fix.

9. Evidence:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence.

10. Disposition:

The Board will notify by mail each of the parties to an appeal of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

## **RULE NUMBER 12**

### **Municipal Electrical Examinations**

Any person having successfully completed a State Electrical Board approved electrical examination shall be considered as having submitted satisfactory evidence of qualification to perform work in the trade and shall be issued, upon request and payment of license fee, a State electrical license at the same level of qualification on the basis of having passed an approved municipal examination contingent on the provision contained herein.

1. The applicant shall meet State Electrical Board approved minimum experience requirements for the type of license desired.
2. The applicant shall have achieved a minimum score of 75% on the approved examination.
3. The applicant shall be the holder of a current electrical license issued by the municipality that administered the examination.

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### **Examination Approval**

Any Nebraska municipality intending to request State Electrical Board approval or retention of an electrical examination program shall submit the examination prior to the first day of January of each year, with correspondence detailing examination procedure and sample examination to the State Electrical Division for consideration by the State Electrical Board.

A minimum of 10% of the questions comprising the approved examination shall be changed annually.

## **RULE NUMBER 13**

### **Temporary Services**

The installer or electrical contractor shall submit an application for State electrical inspection for the temporary service.

1. The inspection fee shall be based on service capacity and number of branch circuits.
2. The application shall be submitted a minimum of five working days prior to the date energization is required.
3. The State Electrical Inspector may verbally authorize energization following inspection if the installation is in compliance with the provisions of the National Electrical Code referenced in Section 81-2104 (5) of the State Electrical Act.

## **RULE NUMBER 14**

### **Requests for Inspection**

It shall be the responsibility of the installer or electrical contractor to notify the inspector at such times as the project is ready for inspection.

As used in this rule, "ready for inspection" shall mean (1) rough-in inspections necessary prior to the concealment of wiring, and (2) final inspections, and (3) re-inspection required by the issuance of a "correction order". The requirement of timely notification is an ongoing responsibility of the installer or electrical contractor during the entire life of the project.

Notification shall be made by telephone request or written request to the State Electrical Division or area State Electrical Inspector.

### **Failure to Request Inspection**

Electrical contractors or installers failing to notify the inspector of such times as the project is ready for inspection shall be considered in violation of Rule 14 and may be guilty of a misdemeanor under §81-2143 of the Nebraska Revised Statutes.

### **Time Limitation; Notification; Extension**

- (1) When the electrical work called for on an application for electrical inspection and permit number has not been started within five (5) months after the date of issuance thereof, then such permit shall be void and no installation thereunder shall be started until a new permit number has been obtained, and proper fees submitted.

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- (2) When no progress on the electrical work called for on an application for electrical inspection and permit number has been shown for five (5) consecutive months after the installation has been started, then such permit shall be void, and no additional electrical installation shall be made until a new permit has been obtained and proper fees submitted.

- (3) Provided however, the area State Electrical Inspector or Executive Director of the State Electrical Board shall have at the time of expiration date as outlined in (1) and (2) above, made written notification to the electrical license holder whose name appears on the application, that such permit will be void after fourteen (14) days of such notification.
- (4) Provided however, that if the electrical license holder whose name appears on the application shall have, prior to the time of expiration date as outlined in (1) and (2) above, made written application to the Area State Electrical Inspector or Executive Director of the State Electrical Board for an extension of time, then the area State Electrical Inspector or Executive Director are hereby authorized to grant extensions of time for wiring installations controlled by electrical permits upon clear and convincing proof of a practical hardship, inadvertent delay in financial arrangements, defect in legal titles, material shortages, or other cogent reasons not due to the fault, negligence or failure to act on the part of the license holder whose name appears on the application.

## **RULE NUMBER 15**

### **Electrical Installations Subject to State Electrical Inspection**

“Electrical installations subject to State electrical inspection” shall mean residential, commercial, industrial, public-use buildings and installations, and State of Nebraska owned buildings and property involving new electrical construction work; and any installation at the request of the owner.

The provisions of Section 81-2125 of the State Electrical Act shall not apply to State of Nebraska owned buildings and property, and public educational facilities. These installations shall remain subject to State electrical inspection regardless of location.

## **RULE NUMBER 16**

### **Inspection By Political Sub-Divisions**

Political sub-divisions instituting an ordinance or resolution providing standards of wiring and its installation and inspection that are not less than those prescribed by the Board or the State Electrical Act in residential, commercial, industrial, and public-use buildings and installations shall forward the ordinance or resolution to the State Electrical Division for review by the State Electrical Board. The ordinance or resolution shall be reviewed for commensurability and conflict with the State Electrical Act.

### **Certification of Electrical Inspector**

It shall be the responsibility of the political sub-division to certify all electrical inspectors hired after September 1, 1994, using the Certified State Electrical Inspector qualification guidelines found in Rule 19, and issue to the electrical inspector a certificate of qualification. A copy of the certificate of qualification shall be forwarded to the State Electrical Division with the ordinance or resolution.

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### **State Electrical Board Acknowledgement**

Following review and ordinance or resolution corrections, if any, the State Electrical Board shall acknowledge, by motion, recorded in official Board minutes, the proposed wiring and inspection program. The inspection of residential, commercial, industrial, and public-use buildings shall be subject to inspection by the political sub-division. State of Nebraska owned buildings and property, and public educational facilities shall remain subject to State electrical inspection.

### **Acknowledgement Termination**

1. The State Electrical Board may, on its own motion, upon receipt of complaints or charges alleging improper administration of the previously “acknowledged” inspection program institute an investigation of the program.
2. The investigation shall be conducted by the area State Electrical Inspector, Chief State Electrical Inspector, State Electrical Division Executive Director or designated State Electrical Board member.
3. The State Electrical Board, at the conclusion of the investigation shall, by motion recorded in official Board minutes, dismiss the allegations or order a recognition termination hearing.

4. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party. Such notice shall include all issues and charges.

5. Pleading:

An complaint, responsive or rebuttal pleading shall be headed “Before the Nebraska State Electrical Board”, and shall contain a heading specifying the nature of the pleading, the name and address of the complainant, and the name and address of the person accused or subject to investigation. Any responsive pleading shall be filed within thirty calendar days from date of service of the complaint or order to show cause; provided that failure to file such a responsive pleading will be considered as a general denial. All pleadings shall be filed with the Board at its official office. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by registered United States mail, return receipt requested, together with a notice of the time and place of the hearing 30 days prior to the date of the hearing. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage prepaid, of a copy thereof to all interested parties.

6. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue

any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board members. Where the case involves a charge filed by a complainant other than the Board, the complainant shall first put on his or her evidence and then the respondent may put on his or her evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

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8. Appearances:

Any individual may appear on his or her own behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

9. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

10. Copy Of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment of such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time as it shall fix.

11. Evidence:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence.

12. Disposition:

The Board will notify by mail each of the parties to a contested case of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

## **RULE NUMBER 17**

### **Declaratory Rulings**

1. Adoption of Rule 3. The provisions of Rule 3 shall be applicable to petitions for declaratory rulings.
2. Discretion of Board. The Board shall have complete discretion as to the issuance of a declaratory ruling. If a declaratory ruling is issued, if issued after argument at a hearing and stated to be binding, the same is binding between the Board and the petitioner on the state of facts alleged unless altered or set aside by a court.

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## **RULE NUMBER 18**

### **Adoption of the National Electrical Code**

The minimum electrical wiring standard shall be the 2002 National Electrical Code, National Fire Protection Association Publication Number 70-2002, as adopted in whole or amended in part by the State Electrical Board which is incorporated herein by reference and filed with the Secretary of State.

#### **Amendment NEC 2002 - 210.12.**

Section 210.12. Amendment; Arc-Fault Circuit-Interrupter Protection. Section 210.12 of the 2002 National Electrical Code is hereby amended as follows:

Delete the entire Section 210.12.

#### **Amendment NEC 2002 - 334.10.**

Section 334.10. Amendment; Uses Permitted For Non-Metallic Sheathed Cable. Section 334.10 of the 2002 National Electrical Code is hereby amended to read as follows:

**334.10. Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

- (1) One- and two-family dwellings.
- (2) Multifamily dwellings and other structures, except as prohibited in Section 334.12.
- (3) Cable trays, where the cables are identified for the use.

**(A) Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM Cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:

- (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.
- (2) In outside and inside walls of masonry block or tile.
- (3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a plate at least 1.59 mm (1/16 in.) thick, and covered with plaster, adobe, or similar finish.

**(C) Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in

normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

**Amendment NEC 2002 - 334.12.**

Section 334.12 Amended; Uses Not Permitted For Non-Metallic Sheathed Cable. Section 334.12 of the 2002 National Electrical Code is hereby amended to read as follows:

**334.12. Uses Not Permitted.**

**(A) Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be used in the following:

(1) In any multifamily dwelling or other structure exceeding three floors above grade.

For the purpose of this article, the first floor of a building shall be that floor that has 50 percent for more of the exterior wall surface area level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar uses shall be permitted.

(2) As service-entrance cable.

Section (3) In commercial garages having hazardous (classified) locations as provided in 511.3.

(4) In theaters and similar locations, except as provided in Section 518.4.

(5) In motion picture studios.

(6) In storage battery rooms.

(7) In hoistways or on elevators or escalators.

(8) Embedded in poured cement, concrete or aggregate.

(9) In any hazardous (classified) locations, except as permitted by Sections 501.4(B), Exception, 502.4(B), Exception No. 1, and 504.20.

**(B) Types NM and NMS.** Types NM and NMS cable shall not be installed in the following:

(1) Where exposed to corrosive fumes or vapors.

(2) Where embedded in masonry, concrete, adobe, fill, or plaster.

(3) In shallow chase in masonry, concrete, or adobe and covered with plaster, adobe, or similar finish.

**Amendment NEC 2002 - 430.102.**

Section 430.102 Amended; Motor Disconnect, Location. Section 430.102 of the 2002 National Electrical Code is hereby amended to read as follows:

**430.102. Location.**

**(A) Controller.** An individual disconnecting means shall be provided for each controller and shall disconnect the controller. The disconnecting means shall be located in sight from the controller location.

*Exception: No. 1: For motor circuits over 600 volts, nominal, a controller disconnecting means capable of being locked in the open position shall be permitted to be out of sight of the controller, provided the controller is marked with a warning label giving the location of the disconnecting means.*

*Exception No. 2: A single disconnecting means shall be permitted for a group of coordinated controllers that drive several parts of a single machine or piece of apparatus. The disconnecting means and the controllers shall be located in sight from the machine or apparatus.*

**(B) Motor.** A separate disconnecting means shall be located in sight from the motor location and the driven machinery location.

*Exception: A disconnecting means, in addition to the controller disconnecting means as required in accordance with Section 430.102(A), shall not be required for the*



*motor where the disconnecting means for the controller is individually capable of being locked in the open position.*

## **RULE NUMBER 19**

### **Certified State Electrical Inspector**

The term “Certified State Electrical Inspector” shall mean a person who meets the following minimum requirements set forth by the State Electrical Board:

1. A person licensed as an Electrical Contractor, Class A Electrical Contractor, Class A Master Electrician, Journeyman Electrician or Class A Journeyman Electrician under a program approved by the Board; and
2. A person certified as an electrical inspector by an examination administered through a nationally recognized electrical inspector certification organization.

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